

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCO RAMOS and DARIO GALEAS,
Plaintiffs,

-against-

CJ CONTRACTOR SERVICES, INC. and
CARLOS FREIRE BOMBON,
Defendants.

Case No. 23-cv-00274 (JLR)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JENNIFER L. ROCHON, United States District Judge:

On September 11, 2023, the Court referred this case to Magistrate Judge Parker for a Report and Recommendation (the “R&R”) on Plaintiffs’ motion for default judgment and an inquest on the issue of damages. Dkt. 14. In the R&R filed on August 2, 2024, Magistrate Judge Parker recommended that the Court grant Plaintiffs’ default-judgment motion and award \$13,500 to Plaintiff Dario Galeas and \$16,275 to Plaintiff Marco Ramos. *See* Dkt. 29.

In reviewing an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those “uncontested portions of a report and recommendation, a district court need only satisfy itself that there is no clear error on the face of the record.” *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). “A decision is ‘clearly erroneous’ when the reviewing Court is left with the definite and firm conviction that a mistake has been committed.” *Royal Park Invs. SA/NV v. Deutsche Bank Nat’l Tr. Co.*, No. 14-cv-04394 (AJN), 2018 WLL 1750595, at *21 (S.D.N.Y. Apr. 11, 2018).

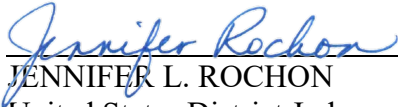
Here, the R&R advised Plaintiffs and Defendants that they had fourteen and seventeen days, respectively, from service of the R&R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* Dkt. 29 at 17. The R&R also cited Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), the under which the parties had fourteen days from the service of the R&R to file written objections. *Id.* That time has expired, and no objections have been filed. *See* Dkt. 31 (certificate of service of R&R on Defendants on August 8, 2024). Accordingly, the parties have waived their right to object to the R&R or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Despite the waiver, the Court has reviewed the R&R for clear error and finds it to be not only free from clear error, but comprehensive and well-reasoned. Therefore, the Court adopts the Report and Recommendation of Judge Parker in its entirety.

The Clerk of Court is directed to terminate the motion at Dkt. 27 and to close the case.

SO ORDERED.

Dated: August 27, 2024
New York, New York


JENNIFER L. ROCHON
United States District Judge